IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: Group Art Unit: 3629

Applicant: Brian Lee Badger, et al. Examiner: Fischer, Michael J.

Serial No.: 09/838,787 Atty. Docket: 20-LC-4068 (304)

Filed: 04/20/2001

Title: BNSF and KCS TST Leader

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Declaration of Brian Lee Badger under 37 CFR 1.132

1. I, Brian Lee Badger, declare as follows, under penalty of perjury.

2. I hold a B.S. degree in Mechanical Engineering from the University of Buffalo, a M.S. Degree in Mechanical Engineering from Binghamton University, and a MBA from the University of Buffalo.

3. From April 1999 I worked continually in the field of locomotives. I had been employed by General Electric Company as mechanical engineer, project manager, and section manager specifically for wreck repair services for 5 years. More recently I was promoted to a TST leader position for BNSF and KCS. However, it was during this five-year period of employment in wreck repair by the General Electric Company that my co-inventors and I invented the invention of the above-cited patent application 09/838,787.

4. I have reviewed United States patent 5,432,904 issued to Wong.

5. I have reviewed the U.S. Patent Office communication dated 12/16/2004 for the subject application that contains the following statement by the Examiner:

"As to claims 1, 13, 22 and 28, Wong discloses a method of preparing for the repair of a damaged vehicle, (title), comprising providing a database of parts regarding a plurality of vehicles (col 5, lines 36-40), defining a plurality of parts kits (col 5, lines 37, plurality of groups of parts), which groups would be predefined collision events involving a region (this would be inherent), communicating a user's assessment of damage (claim 1), designating a specific repair kit (claims 2), communicating such designation to the user (claim 3)."

6. I believe that the Examiner's above-quoted statement is incorrect because Wong does not inherently disclose parts kits with groups of parts for predefined collision events. Wong does describe parts groups, but the parts groups of Wong are not related to parts needed for repairs following a damage event. The parts groups of Wong appear to be simply common sub-assemblies, such as the front bumper group example described at column 6, lines 14-18. A collision involving a front of a car would likely damage parts other than the front bumper group, for example, the grill, headlamps, turn signals, etc. Wang does not describe his parts groups as being related to repairs needed following a damage event. In fact, just the opposite is true, since at column 6, a line 21-28, Wong states that any number of parts may be selected from any number of groups for a repair. Thus, the parts groups of Wong are not related to specific repairs or to specific regions of the vehicle that may be damaged in a wreck. In my opinion, is it not inherent that Wong teaches or suggests parts groups that are related to predefined collision events.

7. All statements made herein of my own knowledge are true and all statements made herein on information and beliefs are believed to be true. I understand that willful false statements and the like are punishable by fine or imprisonment or both (18 USC 1001) and may jeopardize the validity of the subject application or any patent issuing thereon.

Respectfully submitted,

Brian Lee Badger

3/17/05

Brian Lee Badger
Date

201 Huffman Bluff
Keller, TX 76248